

ENTERED

January 17, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JOHN D PELKO,

Plaintiff,

VS.

DAVID STITH, *et al.*,

Defendants.

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CIVIL ACTION NO. 2:23-CV-00296


ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

Pending before the Court is Plaintiff's Declaration for Entry of Default (D.E. 12), construed as a motion for default judgment (D.E. 13). On December 14, 2023, United States Magistrate Judge Julie K. Hampton issued a Memorandum and Recommendation (M&R, D.E. 13), recommending that Plaintiff's motion be denied as premature.

Plaintiff filed a Motion for Judgment by Default (D.E. 18) on January 5, 2024, which purports to have been signed on December 20, 2023, but is postmarked January 3, 2024. The Magistrate Judge entered an order construing the renewed motion as objections to the M&R. D.E. 21. While not timely filed as objections, the Court considers them on the merits. Because service of summons has been withheld on this action pending initial screening, the Court agrees that any request for entry of default or default judgment is premature. Any objection to the M&R presented by Plaintiff's motion (D.E. 18) is **OVERRULED.**

Having reviewed the findings of fact, conclusions of law, and recommendations set forth in the Magistrate Judge's Memorandum and Recommendation, as well as Plaintiff's objections, and all other relevant documents in the record, and having made a de novo disposition of the portions of the Magistrate Judge's Memorandum and Recommendation to which objections were specifically directed, the Court **OVERRULES** Plaintiff's objections and **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, Plaintiff's requests for entry of default or default judgment (D.E. 12, 18) are **DENIED**.

ORDERED on January 17, 2024.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE